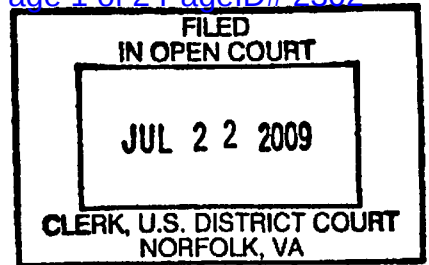


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division



UNITED STATES OF AMERICA,

v.

Criminal No. 4:08cr16-03

DAVID ANTHONY RUNYON,

Defendant.

ORDER

This matter comes before the court on defendant's motion for appointment of James R. Merikangas, M.D.¹ On June 23, 2009, the court took the motion under advisement pending the outcome of the guilt/innocence phase of the trial. (Docket #229.) On July 17, 2009, a guilty verdict was returned against defendant. On July 22, 2009, the jury found the defendant eligible for imposition of the death penalty. Accordingly, based on the previous pleadings filed in this matter,² and the "Statement of Counsel," filed by defendant on July 17, 2009,³ the court hereby **GRANTS** defendant's motion.

¹ Defendant moved ex parte for Dr. Merikangas' appointment on June 9, 2009. (Docket #206.) The court sought clarification on this request on June 17, 2009. (Docket #218.) Such additional information and clarification was received on June 22, 2009. (Docket #222.) The matter is no longer ex parte. See infra note 3 and accompanying text.


² See supra note 1 and accompanying text.

³ The Statement of Counsel, which references Dr. Merikangas as "the psychiatrist defendant wishes to engage," and which clarifies an issue raised in the court's order of June 23, 2009, was not filed ex parte, and the United States has addressed this

Upon representation of defendant that such services are reasonably necessary to present an adequate defense, pursuant to 18 U.S.C. § 3599(a)(1), (f), and (g), it is **ORDERED** that James R. Merikangas, M.D., be appointed to serve as a psychiatrist and neurologist for defendant Runyon.⁴ Dr. Merikangas' fees and expenses (to include all travel and mileage related expenses) shall not exceed \$7,500.00, unless the excess amount is certified in advance by the presiding judicial officer.

Said examinations and report of findings by Dr. Merikangas shall be completed on or before August 6, 2009, and filed under seal with the court and transmitted to the United States on or before August 7, 2009. Any rebuttal or revised reports in response by the United States' experts shall be filed under seal with the court and transmitted to the defendant on or before August 14, 2009.

IT IS SO ORDERED.

/s/
Rebecca Beach Smith
United States District Judge 

Rebecca Beach Smith
United States District Judge

Norfolk, Virginia
July 22, 2009

matter through its opposition to a continuance. (See Docket #249.)

³ Defendant's original request for appointment of Dr. Merikangas sought his appointment as a psychiatric expert. (See Docket #206 at 2.) Defendant's Statement of Counsel, filed July 17, 2009, indicates that Dr. Merikangas "is also a neurologist," and seeks his appointment for his expertise as both a psychiatrist and a neurologist. (See Docket #242.) As such, Dr. Merikangas is hereby appointed for both purposes.